

Adoption

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Adoption is the legal process of establishing a legal parent-child relationship when the adopting parent is not the child's biological or birth parent. That means that once the adoption is final, the adoptive parents have all the legal rights and responsibilities of a parent-child relationship. That new parent-child relationship is permanent and is exactly the same as that of a birth family. An adoptive parent can be a stepparent or domestic partner of one of the birth parents, a relative of the child who has been caring for the child, or someone not related to the child by blood.

[Talk to a lawyer](#) about your family's options before starting an adoption. Every family is different and in some cases, you may not need to go through an adoption.

Types of Adoptions

Stepparent/domestic partner adoption:

- The spouse or domestic partner of the child's parent adopts that child.
- The couple must be legally married or registered as domestic partners.
- It is the most common type of adoption.
- It is a little simpler than other types because 1 of the child's birth parents still remains the child's parent.

An independent, agency, or international adoption:

- **Independent adoption** is when no adoption agency or the Department of Social Services is part of the adoption case. In these cases, if the existing and adopting parents agree, the parental rights of the existing parents do not have to be terminated (end).
- **Agency adoption** is when the California Department of Social Services or a licensed adoption agency is part of the adoption case.
- **International adoption** is when the child to be adopted was born in another country.

In all these three types, the court ends the parental rights of the child's two birth parents, and the adoptive parents become the children's legal parents.

Steps to File an Adoption

For a stepparent/domestic partner adoption:

To make sure you follow the right process, answer these questions first:

- Were you, as the parent trying to adopt (the stepparent), in a marriage or domestic partnership with the birthparent at the time the child was born? (Includes domestic partnerships or unions in another state that are legally the same as a marriage).
- Are you (stepparent) and the birth parent still married or domestic partners?

If the answer to both questions is “yes”, the kind of adoption case you have is a **stepparent adoption to confirm parentage**. This means you will NOT need the social worker to do an investigation or report. And you will NOT need to go to court for a court hearing. **Follow steps 1-6 below and you will be done.**

If you answered “no” to either question, you have a **stepparent/domestic partner adoption case**. You will have to have an investigation by a social worker and go to court. **Follow all the steps below, 1-11.**

[expand all](#) [collapse all](#)

- [1. Get information about the adoption process](#)
- [2. Fill out your court forms](#)
- [3. Have your forms reviewed](#)
- [4. Make at least 2 copies of all your forms](#)
- [5. File your forms with the court clerk](#)
- [6. Talk with the child about the adoption](#)
- [7. Serve your papers on the other birth parent](#)
- [8. Get the other birth parent's consent to the adoption](#)
- [9. Have an interview and investigation with an investigator](#)
- [10. Get a court date](#)
- [11. Go to your adoption hearing](#)

For an independent, agency, or international adoption:

The agency you are using for the adoption will most likely take care of these steps and guide you through the process. But read through the steps below to get a general idea of the process.

Important: A new law allows that, when the existing parents and the adoptive parents all agree, the rights of the existing parents do not have to end. [Talk to a lawyer](#) to make sure you understand what this means and what is best in your situation

[expand all](#) [collapse all](#)

- [1. Get information about the adoption process](#)
- [2. Fill out your court forms](#)
- [3. Fill out these forms too if you are adopting a Native American child](#)
- [4. Have your forms reviewed](#)
- [5. Make at least 2 copies of all your forms](#)
- [6. File your forms with the court clerk](#)
- [7. Have an interview and investigation with an investigator](#)
- [8. Get a court date](#)
- [9. Go to your adoption hearing](#)

Notifying the Other Parent of the Adoption

In a stepparent or domestic partner adoption, the court will end the parental rights of your child's other birth parent. Many times the child's other birth parent agrees (consents) to the adoption. In some cases, the court will end the other birth parent's rights anyway even when he or she does not agree. This is very serious, so the court does not want to do it unless the other birth parent knows about the adoption and has a chance to go to court and tell his or her side to the judge. The judge will then decide if the court will end the parental rights or not.

Think about what it would be like if the situation was reversed. You would not want your child's other parent and his or her new spouse to end your rights as a parent without you knowing about it.

So an important step in your adoption case is to:

- Find the other parent and get a written consent (agreement) to the adoption.
OR
- Get a court order to end the other parent's parental rights after searching for him or her and proving to the judge that you tried everything possible to find the other parent or to get him or her to agree (consent) to the adoption.

You have to take these steps even if you do not know who the other parent is or your name is the only name on your child's birth certificate. If you do not know who or where the other parent is, you still have to at least try everything possible to find the other parent. Talk to a lawyer or the court clerk to find out what the judge will want you to do to find the other parent. Click for some [tips of what you can try to find the](#)

[other parent](#). If you do everything the judge asks and still cannot find the other parent, the judge usually will end the rights of the other parent.

If your child's other birth parent is deceased, let the court know in your adoption request and at your court hearing. If possible, provide some type of proof, like a certified copy of a death certificate.

If your child's other birth parent does not admit that he or she is your child's biological parent, your case may get complicated so talk to a lawyer.

If you are not sure who your child's other birth parent is (like if there could be 2 fathers, or if 1 man is the biological father but another man raised your child for years), talk to a lawyer.

Click for [help finding a lawyer](#).

Note: If your child was conceived through artificial insemination with an anonymous donor, and you were the only person involved in the entire process and the only person to sign the sperm bank and hospital records, and you were not married or in a registered domestic partnership, then you probably do not need to get anyone else's consent. But talk to a lawyer to make sure. The judge may ask for a letter from the doctor or sperm bank confirming you did the artificial insemination on your own.

Finding your child's other birth parent

Here are some things you can try:

- Send a letter, certified with return receipt requested, addressed to the other birth parent at his or her last known address.
- If you know for sure that the other parent left that last known address, send a letter to that address and write on the envelope: "Do not forward. Address correction requested." If the other parent left a forwarding address, the post office will return the letter to you with the new address.
- Call friends you had in common or family members of the other parent to see if they have any information.
- Call the telephone directory in any city where you think the other parent could be living.
- Do an Internet search for the other parent.

- Contact the Department of Child Support Services in your city or county to see if they have any information on the other parent, especially if you ever filed for child support before.
- Contact the Department of Motor Vehicles (DMV) to see if they will give you any information. It is very possible that the DMV will not give you information, so just make a note of when you called and what they told you.
- Contact the [county recorder's office](#) in any county the other parent has lived in to see if you can find any information.
- Check the voter registration records in the county where the other parent lives or has lived.
- Pay a private investigator or an Internet search service.